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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
3470 Twelfth Street, Riverside, CA 92501  
CIVIL MINUTES -- GENERAL

Case No. ED CV 08-01324-SGL(VBKx)

Date: October 9, 2008

Title: U.S. BANK NATIONAL ASSOCIATION, et al. -v- MARIA H. REYES, et al.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes  
Courtroom Deputy Clerk

None Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

None present

PROCEEDINGS: ORDER TO SHOW CAUSE

The Court has received and reviewed defendant's September 26, 2008, notice of removal, seeking to remove to this Court an unlawful detainer action filed by plaintiff in Riverside County Superior Court. In the notice, defendant argues that this Court has subject matter jurisdiction over the unlawful detainer action because there is "complete diversity" (defendant's "current residence" being in "the State of California") and defendant "believes that the amount in controversy exceeds \$75,000." The complaint filed by plaintiff tells a different story. In the complaint, plaintiff specifically concedes that the "amount demanded does not exceed \$10,000." (emphasis added). This specific averment of what plaintiff seeks by way of damages defeats any suggestion that the amount in controversy exceeds \$75,000.

In the notice defendant also asserts that the Court has federal question jurisdiction because of his "discovery request and demands for '**THE ORIGINAL BLUE INKED PROMISSORY NOTE.**'" However, for the Court to have subject matter jurisdiction over a case, a cause of action in the case (not a discovery request) must arise under the laws of the United States.

Given the substantial questions that exists as to whether this Court has jurisdiction to hear this matter, defendant is hereby **ORDERED TO SHOW CAUSE** within fourteen (14) days of the date of this Order why this case should not be remanded to state court. Defendant's failure to timely respond to the Order to Show Cause shall be considered by the Court as a failure to prosecute this matter and will result in the summary remand of the matter to state court.

IT IS SO ORDERED.

MINUTES FORM 90  
CIVIL -- GEN

Initials of Deputy Clerk: jh

### **Judge Larson's E-Filing Memorandum Attachment**

Counsel shall e-file all civil and criminal filings for Judge Larson pursuant to General Order 08-02, filed on March, 2008 (**superseding** General Order No. 07-08). Although the procedure is set forth in great detail in General Order 08-02, generally, the procedure consists of the following three steps:

- Step 1: All *non-signature* items shall be e-filed in **.pdf format**.
- Step 2: In addition to being e-filed, all proposed *signature* items shall be e-mailed to the chambers electronic mailbox in **Microsoft Word** or **WordPerfect format**. **WordPerfect format is preferred**. The chambers e-mail address is **sgl\_chambers@cacd.uscourts.gov**
- Step 3: A paper copy of all e-filed documents shall be delivered to chambers no later than noon the day after e-filing. All copies delivered to chambers shall have the Notice of E-filing attached thereto. For ease of use, declarations, notices, appendices, and similar documents that have multiple exhibits attached thereto shall separate the exhibits with numbered or lettered tabs.

### **UNDER SEAL FILINGS**

Documents to be filed under seal may not be e-filed and are subject to different procedures. To file documents under seal, the following steps must be taken:

- Step 1: Manually file an ex parte application to file the documents under seal and concurrently lodge an original and one copy of the documents to be filed under seal.
- Step 2: E-file a Notice of Manual Filing.
- Step 3: E-mail a .pdf copy of that ex parte application to the chambers e-mail address together with a WordPerfect or Microsoft Word version of the proposed order for the Court's consideration. WordPerfect format is preferred.

### **DO NOT OMIT ANY OF THE ABOVE STEPS.**

For any additional questions, please refer to the General Order or call the Helpline @ 213-894-0242.

(Revision date January 16, 2008)